

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

ALEX M MITCHELL

CIVIL ACTION NO. 22-cv-5681

VERSUS

JUDGE S. MAURICE HICKS, JR.

LOUISIANA STATE UNIVERSITY IN
SHREVEPORT, ET AL

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Alex Mitchell (“Plaintiff”), who is self-represented, filed this civil action to complain of employment discrimination. Plaintiff used a complaint form provided by the court. He listed only Louisiana State University Shreveport (“LSUS”) in the caption as a defendant, but in the part of the complaint for a list of defendants he also listed Bill Wolfe and Carlton (Trey) Jones. Plaintiff checked boxes to indicate that he was bringing his action pursuant to Title VII based on retaliation and discrimination based on race and color.

The court issued an order (Doc. 6) that allowed Plaintiff an opportunity to file an amended complaint and comply with the short and plain statement requirement and attach a copy of any EEOC right to sue letter. The court noted that Plaintiff had named as defendants two individuals, but individuals are ordinarily not considered an “employer” subject to liability under Title VII.

Plaintiff has now filed an amended complaint (Doc. 7), so that document completely supersedes the original complaint. Boelens v. Redman Homes, Inc., 759 F.2d 504, 508 (5th Cir. 1985); McDonald v. McClelland, 779 Fed. Appx. 222, 225 (5th Cir. 2019). Plaintiff omitted from the amended complaint any claims against the individuals named in

the original complaint, so the **clerk is directed to terminate Bill Wolfe and Carlton Trey Jones as defendants.**

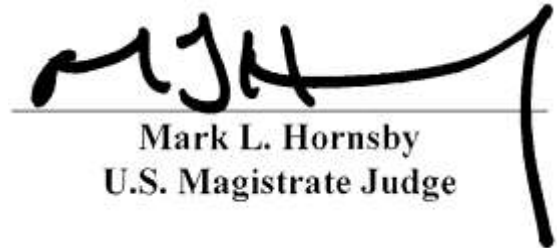
Plaintiff is advised that this is not an informal agency proceeding. It is a court proceeding that will require significantly more time and effort than the less formal agency proceedings before the EEOC. Plaintiff will first need to serve the amended complaint on LSUS. Service may be accomplished by delivering the summons, which has been issued by the Clerk of Court, and a copy of the amended complaint to LSUS through a person authorized to receive service under Federal Rule of Civil Procedure 4. Rules for the various means of delivery and service are also set forth in Rule 4. Plaintiff must complete service and file evidence of service within 90 days of the filing of the amended complaint, which will be **March 6, 2023**. Failure to do so may result in dismissal of this civil action.

If Plaintiff succeeds in serving LSUS, the court will set deadlines for conducting discovery and the filing of motions. If the case survives that process, the court will set a trial date and related deadlines. Plaintiff, although he is self-represented, will be obligated to follow the court's orders and the applicable procedural rules. Neither the judge's staff nor the Clerk of Court may give Plaintiff legal advice.

Plaintiff must keep the court informed of a current address. If Plaintiff should have a change in address, Plaintiff must notify the Clerk of Court in writing. If mail is issued to

Plaintiff and it is returned for an insufficient address, that may lead to dismissal of this case. If at any time Plaintiff does not wish to pursue this case, Plaintiff may communicate that to the court in writing, and the case will be dismissed.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 6th day of December, 2022.



Mark L. Hornsby
U.S. Magistrate Judge